

**SPECIAL CITY COUNCIL MEETING  
CITY OF WATERTOWN  
February 11, 2013  
7:00 p.m.**

**Mayor Jeffrey E. Graham Presiding**

**Present:** Council Member Roxanne M. Burns  
Council Member Joseph M. Butler, Jr.  
Council Member Teresa R. Macaluso  
Council Member Jeffrey M. Smith  
Mayor Graham

**Also Present:** Sharon Addison, City Manager  
Robert J. Slye, City Attorney

**City staff present:** Elliott Nelson, Jim Mills, Ken Mix, Kurt Hauk, Mike Sligar, Celia Cook, Erin Gardner, Gene Hayes, Ann Saunders, Justin Wood

The City Manager presented the following reports to Council:

- Resolution No. 1 – Performance Review of City Clerk
- Resolution No. 2 – Performance Review of City Manager
- Update on Sale of Alcohol and Concessions During 1000 Islands Privateers Games

**Complete Reports on file in the office of the City Clerk**

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

**RESOLUTIONS**

**Resolution No. 1 – Performance Review of City Clerk**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS the Charter of the City of Watertown under Title III, Section 20-8 requires a performance review of the City Clerk annually with findings adopted by March 1 each year, and

WHEREAS on January 30, 2013, the City Clerk, Ann M. Saunders, provided City Council with a summary of her duties and accomplishments for the previous year, and

WHEREAS on February 4, 2013 City Council met in Executive Session and discussed her performance for the past year and invited her to join the discussion, and

WHEREAS City Council determined the City Clerk has done an excellent job of making her office more attractive and user-friendly and functioning as the City's "front door" to the citizens, and

WHEREAS the City Clerk has effectively led her staff in a professional and productive way, and

WHEREAS the City Clerk indicated she wants to continue working on improving the use of

technology to make her office more efficient,

THEREFORE BE IT RESOLVED that following an assessment and review of the City Clerk's duties and performance, we find the City Clerk, Ann M. Saunders, performed consistent with expectations and did an excellent job in the year.

**Seconded by Council Member Joseph M. Butler Jr. and carried with all voting yea.**

Prior to the vote on the foregoing resolution, Mayor Graham said the resolution speaks for itself and he said the meeting Council had with the Clerk was beneficial and the summaries that the Clerk and the City Manager provided to the Council of their activities for the past several months were very complete as well.

**Resolution No. 2 – Performance Review of City Manager**

**Introduced by Council Member Jeffrey M. Smith**

WHEREAS the Charter of the City of Watertown under Title III, Section 20-8 requires a performance review of the City Manager annually with findings adopted by March 1 each year, and

WHEREAS the City Manager, Sharon Addison, submitted to City Council on February 1, 2013, a list of her accomplishments for the previous year, and

WHEREAS City Council reviewed the submission and met with her in person in an Executive Session on February 4, 2013, and

WHEREAS City Council acknowledged the high-energy approach to the job by Ms. Addison and her ability to resolve issues quickly, and

WHEREAS it was determined that the City Manager had learned and adapted to the job and become an effective leader of the City's 350 person workforce, and

WHEREAS the City Manager understands the pending budget challenges and the key issues facing the City in the coming year, including dealing with the closing of Mercy Healthcare and pursuing the Council's desire to enhance the City's recreational facilities, and

WHEREAS the City Manager is aggressively tackling a range of issues and has been proactive in trying to learn the concerns of workers while representing the interests of citizens and taxpayers,

THEREFORE BE IT RESOLVED that in a review of the City Manager's performance and a discussion of goals for the coming year, City Council finds Sharon Addison has met the expectations of the City Council and has performed in an exemplary manner in the six months since becoming Watertown's City Manager.

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

## **DISCUSSIONS**

### **Update on Sale of Alcohol and Concessions During 1000 Islands Privateers Games**

Mayor Graham said that due to the latest wrinkle in beer sales at the arena he wanted the topic to be put on the agenda simply because there was a new development on Friday and he did not want Council to be out of the loop. Mayor Graham asked for an update on the matter.

Ms. Addison responded that the City was notified on Thursday that the State Liquor Authority (SLA) was only granting Savory Catering the right to sell alcohol at the Privateers games and the City would be able to sell food concessions. She said she reached out to the individual who sent the email, the public affairs officer at the SLA, and stated that they wanted the sale of alcohol to continue for the remaining home games for the Privateers and that for some reason they were not looking at a seasonal license, but rather an individual permit to be issued per game. Ms. Addison said that is the way forward and added that is originally what the goal was, with the help of Patti Richie's office, but for some reason, she said the right person was not contacted at the SLA. In the meantime, she said, City Attorney Slye and Attorney Casale to help the City, and with their support the amendment to the agreement had been drafted. As it looks right now, she said, the City will be dealing with a permit only on a game by game basis for the remainder of the season and the City would regain possession of the sale of food concessions.

Mayor Graham said for clarity's sake, this story has taken on a life of its own in the media because perhaps it is easy to grasp and after talking to some of the principals involved, he said it is his understanding that one of the issues that came up in getting a facility licensed was that under the law, all parties that would benefit from, or receive revenue from, the sale have to be disclosed to the state. He said there was a disagreement or inability to achieve that and the SLA's requirements were not able to be satisfied, a point which became clearer to Council today, Mayor Graham said. He said he thought the SLA tried to work out an acceptable situation in the City's case. The Mayor noted that he thought Council should affirm to the Manager the desire to finish the season the way it was being done and also request that the Manager hold off on signing any agreements for the 2014 cycle until there is a clearer view of how to approach the issue next year.

Council Member Burns commented that she agreed and said she thought that when the Privateers decided to bring in Savory Catering for the sale of alcohol, these issues would not come up because they are a licensed caterer. She said that she was under the impression that with a licensed caterer on site, someone who sells alcohol professionally for various community events, the state would still suggest a per-event permit. Council Member Burns added that for her, the goal is to get through the end of the season. She said she will support the suggestion of taking a step back and rethink signing the contract for next year.

Mayor Graham said that it probably is the best option, in theory, to have someone in the business selling alcohol concessions, and the arrangements put forth to the SLA did not have all the information from the involved parties.

Council Member Butler said a resolution was passed supporting that contract and asked if the Manager has been asked to delay in signing the contract. He noted that he is all for getting through the season, but voiced his concern with a contract that has been potentially signed.

Attorney Slye responded that what is being asked of the Manager right now is that Council is asking her to hold off a little while on signing the contract and that several weeks are needed to figure out which way to go.

Ms. Addison mentioned that her signature is on the contract.

Attorney Slye asked if it had been delivered.

Ms. Addison replied that it had been delivered.

Attorney Slye commented that the City will get it back.

Mayor Graham asked if this would require a motion to rescind.

Attorney Slye said it does not and that the City would ask for the document to be returned.

Council Member Macaluso asked if this puts off a contract that Council has already approved.

Mayor Graham said Council will need to work through how the contract will be designed for next year.

Council Member Macaluso noted that the only issue with regard to the contract is the concessions and alcohol and the rest of the contract is pretty much where it needs to be.

Mayor Graham concluded the topic by saying he wanted to bring this to Council's attention because he did not want Council to think that deals were being made and arrangements being set up without Council being part of the discussion.

Attorney Slye added that right now the contract cannot be performed as written, as the City understands it. He said that it is different than the second amendment to the franchise agreement in which the City said it would not do concessions and that also cannot be performed as written. Because it is permitted and not licensed, he said, the City can do concessions.

Council Member Butler asked if there is any point-person to establish a relationship within the SLA to give direction on going forward next year or is that something that they are not accustomed to.

Attorney Slye commented that he does not want the City to have any relationship with the SLA, and that is not really the City's role to get in the middle of the licensing process, that is the licensee's issue. The City helped facilitate an issue that arose a couple of weeks ago dealing with the SLA and concessions and the City was able to accommodate that, he said.

Mayor Graham said that the City will insist in the future that whomever applies to sell alcohol at a City complex has to submit any copies of applications or submissions made to the SLA to the City and noted that was one of the problems in this case, as there was some question about the principals in the matter.

Attorney Slye noted the second amendment said plainly that “..the Privateers shall ensure that Savory shall provide the City with a copy of any application made to the SLA for the seasonal license.” He added that he never received any copy.

Mayor Graham said the City needs to make sure it enforces the terms of the contracts.

Attorney Slye said one of the benefits of having Savory sell the alcohol is that they are providing liquor liability coverage which is a tremendous benefit to the City, which is why he recommends staying with good licensees who have good insurance and let them worry about their licenses with the SLA.

Mayor Graham said it is still a better arrangement, even if it is a licensee using catering permits as opposed to a club-owner-for-a-day type permit used under other arrangements.

Ms. Kiernan asked if there was a way of presenting this to the public in such a way so that it is not the entire contract, which would have a devastating effect on sales moving forward. She said the organization has already begun renewals.

Attorney Slye again noted that the contract should not be rescinded and that the whole issue is over the alcohol and the alcohol licensure or permitting. He added that he thinks it is fair to say that Council wants to proceed to try to make sure that the City knows what the alcohol answer is before a final agreement is declared.

Ms. Kiernan replied that there have been a variety of amendments since the process started over a year ago and asked if it was possible to sign and proceed to guarantee the Privateers’ spot with the City, from a corporate partnership, fan base, players and staff standpoint. She asked if an amendment was possible on the alcohol portion and proceed as if ninety percent of the contract is accurate and the final ten percent will need to be changed just like it has been three or four times already.

Attorney Slye said the legal answer is yes, to amending certain portions, and leave the remainder of the contract intact, if that is what Ms. Kiernan desires.

Ms. Kiernan replied that was an acceptable option.

Council Member Butler noted that will have to be voted on again and it was asked if the first contract is null and void.

Attorney Slye answered that they will have to vote again on the contract as amended, for next season’s contract. The original contract called for service of alcohol by permit and he noted that is what the City is able to do and that the City would operate the concessions.

Mayor Graham asked if that is what the City might do next year.

Attorney Slye said it all comes down to the City’s understanding was that a licensee could not obtain more than four catering permits per year per venue.

Steven Baytos, of Savory Catering, reiterated that four special event permits can be granted per year, per license. He said a catering permit is different, and said the SLA is accepting one license with a list of dates but are counting them as daily permits just to get through the rest of this season.

Mayor Graham asked if that is the way it will be done next year.

Mr. Baytos said they are working towards that.

## **A D J O U R N M E N T**

**At the call of the chair, meeting was duly adjourned at 7:20 p.m. by motion of Council Member Roxanne M. Burns, seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

**Amanda C. Lewis**  
Deputy City Clerk